

**FILED**

JAN - 2 2003

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**SAMUEL L. KAY, CLERK**  
U. S. District & Bankruptcy Court  
Southern District of West Virginia

NATHANIEL HOOVER

*(Enter above the full name of the plaintiff  
or plaintiffs in this action).*

*(Inmate Reg.# of each Plaintiff)*

**VERSUS**

**CIVIL ACTION NO.** UNKNOWN 5:03-0002  
*(Number to be assigned by Court)*

C/O Tim Brown

C/O Danny Stone

Warden Willie Scott

Bureau of Prisons

*(Enter above the full name of the defendant  
or defendants in this action).*

**COMPLAINT**

**I. Previous Lawsuits**

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes xxx No

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: Same Parties Listed Above

Defendants: Same Parties Listed Above

2. Court (if federal court, name the district; if state court, name the county):

United States District Court for Atlanta Ga

Eleventh Circuit

3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Case was disposed because the Plaintiff had not

Completed his administrative Remedies

6. Approximate date of filing lawsuit: N/a

7. Approximate date of disposition: N/A

II. **Place of Present Confinement:** Beckley F.C.I.

**A. Is there a prisoner grievance procedure in this institution?**

Yes XXX

**No**

**B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?**

Yes XXX

No

**C. If your answer is YES:**

1. What steps did you take? Plaintiff filed 8%, 9,

to the Warden, and 10 to Regional Director,  
also appealed his decision to Washington D.C.

2. What was the result? The result was rather negative

and very time consuming, but a victory. for  
plaintiff...

The

D. If your answer is NO, explain why not:

### III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Nathaniel Hoover113734-058

Address: Beckley F.C.I. P.O.Box 350 Beaver, W.Va  
25813

B. Additional Plaintiffs and Address: N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant See 4 USM 285 forms forr name and address.  
is employed as Warden and Correctional Officers for  
at U.S.P. Atlanta Bureau of Prisons.

D. Additional defendants: unknown.

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

See attached complaint.

Nathaniel Hoover

v.

Docket No: Unknown  
Jury Trial Demanded

Correctional Officers,  
Tim Brown, Danny Stone,  
to be Sued in their  
Individual Capacities,  
Warden Willie Scott, Sued  
in his individual Capacity.  
Bureau of Prisons, to be  
sued in it's individual and  
official capacity. Et Al

Fact to Support Complaint:

1) The plaintiff Nathaniel Hoover, was incarcerated at U.S.P. Atlanta Prison (U.S.P. Atlanta) during the events described in this complaint.

2) Defendants Tim Brown, Danny Stone and Willie Scott are Correctional Officers employed at U.S.P. Atlanta. They are being sued in their Individual Capacity.

3) Defendant Tim Brown is a Correctional Officer/Institution Spanish School Teacher, employed at U.S.P. Atlanta Penitentiary, He is bening sued in his individual capacity.

4) Defendant Danny Stone is the Correctional/Institutional Officer who on the night event occurred, was the operator of the Chapel and the Lobby area at U.S.P. Atlanta. He is being sued in his individual Capacity.

5) Defendant Warden Willie Scott, the Head of Security at U.S.P. Atlanta, and also is in charge of the Supervision and discipline over all Correctional/Institutional Staff at U.S.P. Atlanta. He is being sued in his Official and individual capacity.

6) All the defendants have acted, and continued to act under the color of State Law, at all times relevant to this complaint.

#### FACTS

#### FACTS

7) On December 8th, 1995, on or about 6:45p.m., The plaintiff was waiting for the religious service to start.

8) Defendant Danny Stone, who was in charge of operations in this area between the Lobby and the Chapel.

9) The plaintiff and inmate Hunter was discussing the Bible.

10) The Defendant (Stone) interrupted and stepped between the plaintiff and other inmate Hunter.

11) The defendant (Stone) said to the plaintiff "Hey it looks like you need two bibles in your hands, because of the problems in your life.

12) Inmate Hunter, who heard the whole conversation and the disrespectful remarks make by the defendant (Stone), Hunter replied that you don't even know Mr. Hoover (plaintiff).

"Mr. Hoover did not say anything disrespectful to you!"

13) Defendant Stone said to inmate Hunter "Do you want to go to the hole (S.H.U.) . Inmate Hunter replied "no Sir," Defendant Stone then said , "then Stay out of this.

14) Defendant and the plaintiff engaged in an unpleasant conversation for about fifteen minutes.

15) The plaintiff said the the defendant (Stone), "why are you harassing me, I don't want any trouble, I am only here to join the church of God".

16) The defendant (Stone) refused to understand. The defendant just kept on making smart comments saying, I can send you to the hole (S.H.U.).

17). The plaintiff said to defendant (Stone) "I think you better get off my back before I report this to the Lieutenant.

18) Defendant Stone got really upset and said, to the plaintiff Hoover, "well I order you to leave this Building."

19) While the plaintiff was just about to leave out of the lobby area and go into the chapel area and then out the exit door.

20) Defendant (Stone) stepped in front of the plaintiff's way , by blocking the lobby door.

21) While defendant (Stone) was standing by the doorway blocking the exit, and arguing with the plaintiff, other inmate was complaining, trying to get through the lobby door. For it was time for the Seven O'clock Church service to begin. Finally the doorway was open just enough for all the other inmates to get through for church.

22)The defendant (Stone) was still standing in the doorway know only trying to keep the plaintiff from getting through the exit door.

23) The plaintiff finally got through the lobby door without any problems.

24) Then all of a sudden the Defendant, (Stone) Start acting like somebody had tried to grab his institutional keys.

25) Defendant next accused the plaintiff of hitting him.

26) The Defendant (Stone) Them started shouting all over the Chapel area, then the defendant hit his body alarm, and started ordering all of the other inmate to get out of the Chapel and locked all the exit doors.

27) The defendant (Stone) and the plaintiff (Hoover) were the only two people left in the building, the defendant accused

28) While the defendant and the plaintiff was waiting for the lieutenant and the other Correctional Officer's to arrive, since the defendant had claimed that he had hit his body alarm.

29) Defendant (Stone) said to the plaintiff "come and go with me to my office," plaintiff replied to the defendant, "I'll wait right here until the Lieutenant and the other Correctional Officer's arrive.

30) According to the investigation that was conducted in this instant case, the defendant Stone) never hit his body alarm, nor did at anytime did the defendant at anytime attempt to touch his body alarm. So it is very obvious by these action that the defendant never figured that he was in any type of immediate danger.

31) At or about 7:10 P.M. the defendant was still arguing to the plaintiff about trying to coerce him to go into his office. The plaintiff continued to refuse to go with the defendant (Stone). For the plaintiff was still under the impression that the defendant had hit his body alarm, and the defendant thought that he would have a better opportunity to explain his side of the incident, for he was afraid to be alone with the plaintiff at anytime.

32) Without any warning, Defendant Tim Brown, who at that time was a spanish school teacher, his building or office was located in that general area, stepped into the matter, by getting behind the plaintiff.

33) Defendant Brown told the plaintiff to place his hand behind his back. In which the plaintiff complied.

34) Defendant Brown place handcuffs on the plaintiff, and then push the plaintiff face first into a concrete wall, then



proceeded to grind and smash the plaintiff's face into the wall knowingly, willingly, and intentionally, injuring the plaintiff causing bodily harm.

35) The plaintiff screamed at defendant (Brown) telling him that he was hurting his face. For a period of time the plaintiff continued to try and plead his pain, but the defendant continued to apply more and more pressure injuring the plaintiff.

36) Even other inmates on the compound who was watching this particular incident from outside the glass door, yelled at the defendant (Brown) telling him to stop such wrongful acts of misconduct, for he was intentionally hurting the plaintiff.

37) Defendant (Stone) then and only then started to panic, and picked up his radio and placed a call after realizing that Defendant (Brown) was injuring the plaintiff's face.

38) At this Moment it was clear that the plaintiff was being subjected to cruel and excessive punishment.

39) Upon the arrival of LT Jones and the other Correctional Officer's, they were stunned and shock trying to figure out what was actually wrong, for it was obvious that the plaintiff was already in handcuffs, and his face was badly injured.

40) The plaintiff was trying to explain to LT Jones but the Officer in charge refused to listen.

41) One of the other C.O.'s notice the heavy bleeding caused by the cut above the plaintiff's left eye, (done by defendant Brown).

42) On or about 7:30 P.M. the plaintiff was removed from the chapel Area, and taken to the hospital for emergency treatment.

43) The plaintiff's left eye was treated by Dr. Ms. Sakhrani, who treated plaintiff's eye. She Asked "what in Gods name happened to you", The plaintiff tried to explain but was in to much pain, and could not properly respond at that time.

44) After Dr. Sakhrani treated the plaintiff's eye, she asked the plaintiff to take acetaminophen 325g. Because of the swelling of his face and eye.

45) The plaintiff was then removed from the emergency area and placed in Disciplinary Confinement for a period of sixty six (66) days. Because Defendant (Stone) Conspired with others to file a falsified report placing untruthful events and also filing false charges .

46) On December 9th, 1995, at or about 1410, was the date and time the plaintiff reported for follow up treatment on his left eye. The same Dr. mentioned above conducted the follow up. and prescribed that he plaintiff to take actminophen 325g.

47) On or about January 31st, 1996, while the plaintiff was still serving, his unwarranted disciplinary charges in segregation, the plaintiff wrote a cop-out to the Warden Defendant Willie Scott, concerning the the matter mention in this complaint and requesting a reply.

48) The Defendant (Scott) responded to the plaintiff's cop-out request on Feb 22nd, 1996, and statedthe following: In reference to the plaintiff's cop-out dated Feb 9th, 1996, "you have been placed on the optometrist list for an eye examination." (signed by Brenda F. Henderson, Secretary.

49) On March 10th, 1996, the plaintiff was released from Special housing unit (S.H.U.), and placed back into general population.

50) On March 17th, 1996 the plaintiff continued to write request forms concerning his left eye, for he was having problems with his vision, in the request the plaintiff was trying to see if the appointment to see the eye specialist (Doctor), had been further approved or if they were continuing to give him the run around.

51) While the plaintiff was released back onto the compound, the witnesses who had seen the incident when the Defendant (Brown) was assaulting the plaintiff, on December 8th, 1995, wrote statements, their names are as follows: Micheal Hunter, Damon Parker, and Gary Sanders and also Dr. Sakhrani.

52) The plaintiff filed his initial 1983 complaint on or about Feb 9th, 1996. While the complaint was pending the plaintiff was continuously being harassed, and threatened, by other, Correctional Officer's on the compound. Again the plaintiff was falsely accused and wrongfully charge and placed back into the Special Housing Unit (S.H.U.) for allegedly disobeying an Order. The defendants, each of them did combine, conspire, and confederate together and with diver others, the identity of whom are unknown to the plaintiff, to punish the plaintiff for filing 1983 claim, all in violation of his Due process right's and also his 8th amendment right's to be free from cruel ,excessive and unusual punishment.

Now in order to conceal the wrongful acts of misconduct the Warden and all others furthered their conspiracy by contacting The Bureau of Prison (B.O.P.), and requesting that the plaintiff be transferred immediately, therefore the plaintiff was placed on "Diesel Therapy," (transferred) to another institution. On October 16th, 1997 this transfer started and the plaintiff was placed to U.S.P. Beaumont Texas.

53) On July 21st, 1998, the plaintiff then was transferred from Beaumont Texas to Oklahoma City for more Diesel Therapy.

54) On August 8th, 1998, the plaintiff was transferred from Oklahoma City to Beckley F.C.I. located in Beaver W.Va where the plaintiff is now incarcerated.

55) While the plaintiff has been incarcerated here at Beckley F.C.I. it has been very difficult for him to follow up on his claims or 1983 complaint.

56) The plaintiff filed for his request for Administrative Remedy forms on 4/22/99. The Administrative Remedy Coordinator here at Beckley F.C.I., responded on May 7th, 1999 Stating that this matter has already went to the Regional Level and was rejected. If you wish to appeal the Regions rejection, you must file a BP-11.

57) The plaintiff filed or appealed his claim to the Administrative Remedy coordinator at the B.O.P. in Washington D.C. on May 18th, 1999.

58) The Federal B.O.P., Administrative Remedy Coordinator received the plaintiffs complaint on June 7th, 1999, the response was due on June 27th, 1999. But they filed for an extension of time. Which was granted and the new time frame was July 17th

1999.

59) Finally the Federal Bureau of Prisons, Administrative Remedy Appeal case no: 179958-A1. On 7/13/99, they responded to the plaintiffs claim, the plaintiff read the response which stated "That the plaintiff's complaint was being referred to the appropriate officer for investigation, the investigating staff will make the determinations as to the course and scope of the investigation. Inmate are not advised of the outcome of the investigation. This response is for informational purposes only signed by Ms Wendy J. Roal, Administrator;N.I.A.

60) Now the purpose for all of this was to hinder the plaintiff on his 1983 Civil Action Complaint against the above mentioned defendant's. This was all done so that the plaintiff would not be able to file a timely complaint.

61)Under Smith v. Wade, 461 U.S. 30, 75 L.Ed 2d 632, 103 S.Ct. 1625 (1983) The Supreme Court has held that a prison Gaurd may be liable for punitive dameges.

62) The plaintiff feels that the B.O.P. has personally with knowledge and intent place the defendant in transit and also prolonged it's administrative procedures in order to impede the plaintiff's claims under U.S.C. 1983.

63) The plaintiff filed an FOIA/PA to all the parties, the parties still seek to withhold important documents so that he is not able to file an accurate claims therefore denying him access to the courts.

Wherefore the plaintiff, request that the court grant the following relief.

A. Issue a declaratory judgment stating that:

1. The physical abuse of the plaintiff by the defendants Brown, Stone, and Scott, violated the plaintiff's right's under the Eighth Amendment to the United States Constitution and constituted an assault and battery under State Law...
2. Defendant's Scott's failure to take action to curb the physical abuse of prisoners violated the plaintiff's right's under the Eighth Amendment to the United States Constitution and constituted an assault and battery under State law.

B. Issue an injunction ordering the defendants B.O.P. or their officers:

1. to Immediately arrange for the plaintiff to have access to all hearing, investigations, hearing transcripts or any other documents that would further assist the plaintiff in his 1983 claim.
2. Immediately arrange for the plaintiff's need for physical therapy or any other follow up medical treatment to be evaluated by a medical practitioner with expertise in the treatment and restoration of function dealing with plaintiff's left eye.
3. Carry out without delay the treatment directed by such medical eye practitioner.

C. Award compensatory damages in the following Amounts:

1. \$100,000 jointly and severally against defendnats Brown, Stone, Warden Scott, and Bureau of Prisons, for the physical and emotional injuries sustained as a result of plaintiff's beating.
2. \$10,000 jointly and severally against defendants for the punishment and emotional injury resulting from their failure to provide adequate medical care to the plaintiff.

D. Award punitive damages in the following amounts:

- 1 \$20,000 each against defendants Stone and Brown.
2. \$20,000 each against defendants Scott, and B.O.P.

F. Grant such other relief as it may appear that plaintiff is entitled.

Respectfully Submitted

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Nathaniel Hoover", written over a horizontal line.

Nathaniel Hoover  
Inmate No. 13734-058  
FCI Beckley  
P.O. Box 350  
Beaver WV 25813

09/12/02 THU 08:30 FAX 2025148781

ADMINISTRATIVE REMEDIES

007

U.S. DEPARTMENT OF JUSTICE

## REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

*Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.*

From: HOOVER, Nathaniel 11374-058 Pine BL FCI Beckely  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A- INMATE REQUEST** This complaint is filed pursuant to the attached court order, entered on 12-01-98. Attachment (A). And attached administrative coordinator mid-Atlantic Regional Office, entered on 4-19-99. Attachment (B). On December 8, 1995, at approximately 6:45 pm, I was waiting in the corridor of the Chapel building at U.S.P. Atlanta for the 7:00 p.m. church service to begin when Officer Stone approached me. Officer Stone and I engaged in a unfriendly conversation for several minutes. When, without warning, Officer Tim Brown attacked me from behind; handcuffed me, and "Then" shoved my face into the brick wall of the corridor, causing a cut to the area of my left eye. See: Inmate Injury Assessment And Followup. Attachment (C).

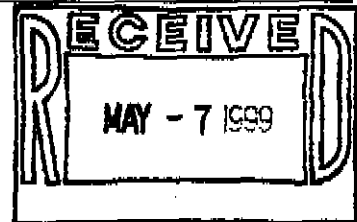
This unprovoked, unnecessary, and brutal assault upon me violated my constitutional right to be free from cruel and unusual punishment. I demand that I be compensated in the amount of \$1.00 for nominal damages, and \$200,000 for punitive damages. ALSO: I demand that my BP-9 be processed in full compliance with the Administrative Remedy Program.

4-22-99

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE



DATE

WARDEN OR REGIONAL DIRECTOR

*If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.*

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 119958-3

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



Printed on Recycled Paper

BP-229(13)  
APRIL 1994



Administrative Remedy No. 179958-A1  
Part B - Response

You allege staff physically assaulted you.

Your complaint was being referred to the appropriate office for investigation. Investigating staff will make the determinations as to the course and scope of the investigation. Inmates are not advised of the outcome of investigation. This response is for informational purposes only.

7-13-99  
DATE

Wendy J. Roal  
WENDY J. ROAL, ADMINISTRATOR  
NATIONAL INMATE APPEALS

09/12/02 THU 08:29 FAX 2025148761

ADMINISTRATIVE REMEDIES

004

Department of Justice  
Federal Bureau of Prisons

## Regional Administrative Remedy Appeal

Type on the ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Hoover, Nathaniel 11374-058 Pine BL FCI Beckley  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL This Appeal is been filed pursuant to the attached court order, entered on 12-01-98. Attachment (A). And Administrative Remedy Coordinator of Beckley FCI request, entered on May 7, 1999. Attachment (B). And Administrative Remedy Coordinator of Mid-Atlantic regional appeal, entered on April 19, 1999. Attachment (C). And other attachment (D).

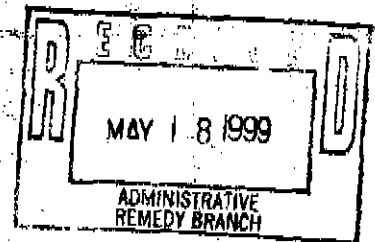
On December 8, 1995, at approximately 6:45 P.M.P, I was waiting in the corridor of the Chapel building at U.S.P. Atlanta for the 7:00 P.M. church service to begin when Officer Stone approached me. Officer Stone and I engaged in a unfriendly conversation for several minutes. When, without warning, Officer Tim Brown attacked me from behind; handcuffed me, and "then" shoved my face into the brick wall of the corridor, causing a cut to the area of my left eye. See: Inmate Injury Assessment And Followup. Attachment (E). This unprovoked, unnecessary, and brutal assault upon me violated my constitutional right to be free from cruel and unusual punishment. I demand that I be compensated in the amount of \$1.00 for nominal damages, and \$200.00 for punitive damages. ALSO: I demand that my BP-11 be processed in full compliance with the Administrative Remedy Program.

4-12-99

DATE

SIGNATURE OF REQUESTER

Part B—RESPONSE



DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 179958

Part C—RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

USP LVN

DATE

BP-230(13)

09/12/02 THU 08:30 FAX 2025148761

ADMINISTRATIVE REMEDIES

008

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 7, 1999

FROM: *D. J. Jeyaraj*  
ADMINISTRATIVE REMEDY COORDINATOR  
BECKLEY FCI

TO : NATHANIEL HOOVER, 11374-058  
BECKLEY FCI UNT: PINE QTR: P05-114U  
PO BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 179958-F1 ADMINISTRATIVE REMEDY REQUEST  
DATE RECEIVED : MAY 7, 1999  
SUBJECT 1 : ASSAULT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS MUST BE RECEIVED WITHIN 20 DAYS OF THE EVENT COMPLAINED ABOUT.

REJECT REASON 2: SEE REMARKS.

REMARKS : THIS MATTER HAS ALREADY WENT TO THE REGIONAL LEVEL AND WAS REJECTED. IF YOU WISH TO APPEAL THE REGION'S REJECTION, YOU MUST FILE A BP-11.

08/12/02 THU 08:31 FAX 2025148761

ADMINISTRATIVE REMEDIES

009

## REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: FEBRUARY 19, 1999

*C. Malone*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
SOUTHEAST REGIONAL OFFICE

TO : NATHANIEL HOOVER, 11374-058  
BECKLEY FCI UNT: PINE QTR: P05-114U  
PO BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 179958-R1 REGIONAL APPEAL  
DATE RECEIVED : FEBRUARY 19, 1999  
SUBJECT 1 : ASSAULT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE WRONG LEVEL  
WRONG OFFICE.

REJECT REASON 2: SEE REMARKS.

REMARKS : THIS APPEAL WAS SENT TO WRONG REGION; HOWEVER, SINCE  
YOU STATED IT SENSITIVE, WE WILL FORWARD TO MID-  
ATLANTIC REGION FOR PROCESSING.

09/12/02 THU 08:31 FAX 2025148761

ADMINISTRATIVE REMEDIES

010

## REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: APRIL 19, 1999

*NM 1/1/99*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
MID-ATLANTIC REGIONAL OFFICE

TO : NATHANIEL HOOVER, 11374-058  
BECKLEY FCI UNT: PINE QTR: P05-114U  
PO BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 179958-R3 REGIONAL APPEAL  
DATE RECEIVED : APRIL 15, 1999  
SUBJECT 1 : ASSAULT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: THE ISSUE YOU RAISE IS NOT A SENSITIVE ISSUE. YOUR  
REQUEST/APPEAL IS NOT BEING RETURNED TO YOU IN  
ACCORDANCE WITH POLICY.

REJECT REASON 2: SEE REMARKS.

REMARKS : YOU MUST FILE WITH YOUR INSTITUTION AT THE BP-9  
LEVEL. IF YOU WISH TO APPEAL THE REGION'S REJECTION,  
YOU MUST APPEAL AT THE CENTRAL OFFICE LEVEL.

09/12/02 THU 08:32 FAX 2025148761

ADMINISTRATIVE REMEDIES

013

Feb 9/10

→ Mr. MATHEW  
Regional Counsel  
923 Mc Dougall Blvd (SE)  
Atlanta Ga 30315

Jan 32-96

From Nathaniel Hooper  
Reg No. 2234.050  
Atlanta Ga 30315

Dear Mr. MatheW

I am addressing this letter to you for  
someone assistance in this urgent matter  
On about Dec 8-1995 I was assaulted  
by a STAFF MEMBER who is a school teacher  
here at USP Atlanta Ga. I have wrote the  
Warden about this matter also All my letters  
have been denied by the Warden. I have spoke  
with the PP about my left eye because when the  
OFFICER ~~assaulted~~ **BROWN** assault me  
my head went into the brick wall causing  
damages to my left eye I have been denied  
medical treatment here. Hundreds of inmates  
withless this assault here I need your  
assistance here for this matter

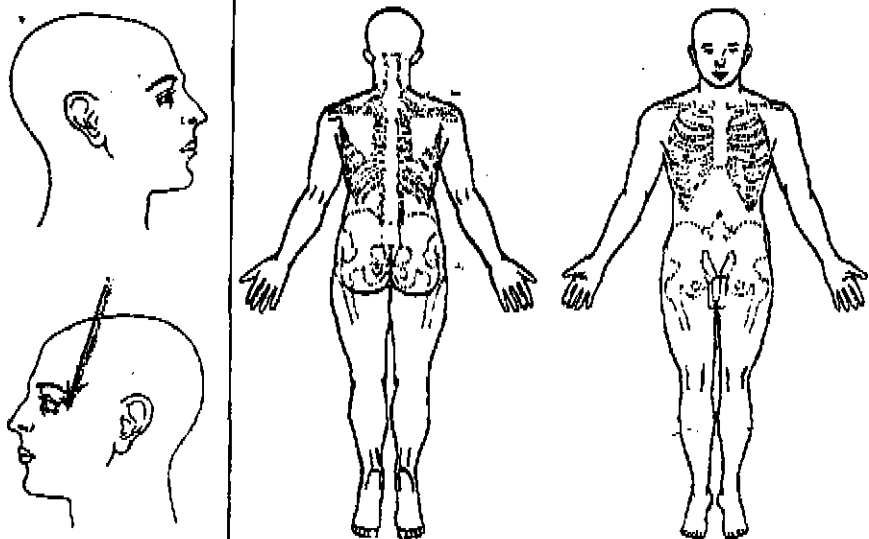
Respectfully Submitted  
Nathaniel Hooper  
Reg. No. 22 34. 050

09/12/02 THU 08:32 FAX 2025148761

ADMINISTRATIVE REMEDIES

014

DEPARTMENT OF JUSTICE  
Federal Bureau of PrisonsINMATE INJURY ASSESSMENT AND FOLLOWUP  
(Medical)

1. Institution <u>USP - Atlanta</u>	2. Name of Injured <u>Hoover Nathaniel</u>	3. Register Number <u>11374-058</u>
4. Injured's Duty Assignment <u>laundry</u>	5. Housing Assignment <u>B-516 / currently SHU</u>	6. Date and Time of Injury <u>12-08-95 1845</u>
7. Where Did Injury Happen (Be specific as to location) <u>Chapel</u>	Work Related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	8. Date and Time Reported for Treatment <u>12-09-95 1410</u>
9. Subjective: (Injured's Statement as to How Injury Occurred) (Symptoms as Reported by Patient) <u>AROUND 6:45 PM I WAS SITTING IN THE LOBBY WAITING FOR 7:00 PM CHURCH SERVICE AND OFFICER STENOK CAME TO ME AND STARTED TO BATTER ME AT THAT TIME FELT REUSY</u> <u>MY FACE WAS CHOKED INTO THE WALL.</u> <u>NH</u> <u>Nathaniel Hoover</u> Signature of Patient		
10. Objective: (Observations or Findings from Examination) <u>37yo black male, alert, oriented, X-RAY RESULTS, not in distress.</u> <u>HEENT = 1/2 cm. abrasion under (L) eyebrow - lateral</u> <u>NO other findings. Slight edema around abrasion.</u>		X-Rays Taken <input type="checkbox"/> Not Indicated <input checked="" type="checkbox"/>
11. Assessment: (Analysis of Facts Based on Subjective and Objective Data) <u>Abrasion (L) eyebrow</u>		
12. Plan: (Diagnostic Procedures with Results, Treatment and Recommended Follow-up) <u>clean abrasion with Alcol pads</u> <u>Tie to Area</u> <u>Actaminophen 325mg #30 + hb q 4-6 hrs prn.</u> <u>Pt. Discharged</u> <u>RTC prn</u>		
13. This Injury Required: <input type="checkbox"/> a. No Medical Attention <input checked="" type="checkbox"/> b. Minor First Aid <input type="checkbox"/> c. Hospitalization <input type="checkbox"/> d. Other (explain) <u>Discharged</u>  <input type="checkbox"/> e. Medically Unassigned <input type="checkbox"/> f. Civilian First Aid Only <input type="checkbox"/> g. Civilian Referred to Community Physician		
Signature of Physician or Physician Assistant <u>[Signature]</u>		

Original - Medical File

Canary - Safety

Pink - Work Supervisor (Work related only)

Goldenrod - Correctional Supervisor

USP LVM

Self Carboned Form - If ballpoint pen is used, PRESS HARD

Previous editions not usable

BP-362(80)  
FEBRUARY 1986

09/12/02 THU 08:33 FAX 2025148761

ADMINISTRATIVE REMEDIES

018

I wrote to Warden Feb 9, 1996

Jan 31-96

To A.W Wiley Warden.

From NATHANIEL Hoover

Reg No 11374-058

On about Dec 8, 1995 I was assaulted at the school Department by Mrs. ~~BROWN~~ who is a school teacher here. I have had problems with my eye vision since this assault took place. I have spoke with the P.A about my left eye also. DR SAKHRANI WAS WORKING AT THE HOSPITAL THE NIGHT I CAME ~~GET~~ OVER. DR SAKHRANI treated my left eye BUT I still have problems with my vision. LT JONE CAME TO THE SCHOOL DEPARTMENT AND SAW MY LEFT EYE ON MY HEAD AGAINST THE BRICK WALL. OFFICER STONE WAS THERE ALSO TO SEE THIS ASSAULT TAKE place also. I NEED your assistance in this eye issue. ALL MATTERS ARE IMPORTANT TO ME IN THIS ISSUE. I await your reply in this matter.

Respectfully Lubmi H. Hoover  
 NATHANIEL Hoover  
 Reg No. 11374-058



09/12/02 THU 08:34 FAX 2025148761

ADMINISTRATIVE REMEDIES

017

Jan 31-96

TO MS KATHLEEN HOWE  
 Director of Federal Prison  
 Washington D.C

From NATHANIEL HOOPER  
 Reg No 22374-058  
 Atlanta Ga  
 30315

Dear Ms Howe.

I am addressing this letter to you for someone  
 assistance in this urgent matter. On about  
 Dec 8, 1995 I was assaulted by a staff member  
 who is a school teacher <sup>here</sup> ~~is~~ at USP Atlanta Ga  
 I have wrote the warden about ~~this~~ matter  
 also. All my letters have been denied by  
 the warden. I have spoke with the P.A.  
 about my left eye because when the officer Brown  
 assault me my head went into the brick wall  
 causing damage to my left eye. I have been denied  
 medical treatment. Here's numbers of inmates  
 witness this assault here. I need your  
 assistance here towards this matter.

Respect fully - Submitted  
 NATHANIEL HOOPER  
 Reg No. 22374-058

09/12/02 THU 08:34 FAX 2025148761

ADMINISTRATIVE REMEDIES

018

To: Ms. Kathleen Hawke  
 Director of Federal Prison  
 Washington D.C.

From: Nathaniel Hoodie  
 Reg No 77374-050  
 Atlanta Ga  
 30315


Dear Ms Hawke:

I am addressing this letter to you for someone's assistance in this urgent matter. On about Dec 8-1995 I was assaulted by a STAFF member who is a school teacher <sup>here</sup> at USP Atlanta Ga. I have wrote the Warden about this matter also. All my letters have been denied by the Warden. I have spoke with the PIA about my left eye because when the officer Brown assault me my head went into the brick wall causing damages to my left eye. I have been denied medical treatment here. Numerous of inmates witness this assault here. I need your assistance here toward this matter.

Respectfully Submitted  
 Nathaniel Hoodie  
 Reg No. 77374-050

Department of Justice

Federal Bureau of Prisons

1. NAME OF INSTITUTION		U.S.P ATLANTA	
<b>PART I - INCIDENT REPORT</b>			
2. NAME OF INMATE Hoover, Nathaniel	3. REGISTER NUMBER 11374-058	4. DATE OF INCIDENT 8 Dec 95	5. TIME 6:45pm
6. PLACE OF INCIDENT Education/Chapel Area	7. ASSIGNMENT Laundry Detail	8. UNIT BCH 516	
9. INCIDENT Assault Running order of stall			10. CODE 224/307
11. DESCRIPTION OF INCIDENT (Date: <u>12/8/95</u> Time: <u>6:45pm</u> ) Staff became aware of incident) Hoover several times to come with me. Hoover, again stated " I ain't got to come with you." Upon the arrival of lieutenant Jones and other staff Hoover was escorted to SHU.			
SIGNATURE OF REPORTING EMPLOYEE 		DATE AND TIME 8 Dec 95/9:15pm	13. NAME AND TITLE (Printed) Danny T. Stone, SOC
14. INCIDENT REPORT DELIVERED TO ABOVE INMATE BY		15. DATE INCIDENT REPORT DELIVERED	16. TIME INCIDENT REPORT DELIVERED
<b>PART II - COMMITTEE ACTION</b>			
17. COMMENTS OF INMATE TO COMMITTEE REGARDING ABOVE INCIDENT			
18. A. IT IS THE FINDING OF THE COMMITTEE THAT YOU: _____ COMMITTED THE FOLLOWING PROHIBITED ACT.  _____ DID NOT COMMIT A PROHIBITED ACT.			
B. _____ THE COMMITTEE IS REFERRING THE CHARGE(S) TO THE DHO FOR FURTHER HEARING. C. _____ THE COMMITTEE ADVISED THE INMATE OF ITS FINDINGS AND OF THE RIGHT TO FILE AN APPEAL WITHIN 15 CALENDER DAYS.			
19. COMMITTEE DECISION IS BASED ON THE FOLLOWING INFORMATION			
20. COMMITTEE ACTION AND/OR RECOMMENDATION IF REFERRED TO DHO (CONTINGENT UPON DHO FINDING INMATE COMMITTED PROHIBITED ACT)			
21. DATE AND TIME OF ACTION _____ (THE UDC CHAIRMAN'S SIGNATURE NEXT TO HIS NAME CERTIFIES WHO SAT ON THE UDC AND THAT THE COMPLETED REPORT ACCURATELY REFLECTS THE UDC PROCEEDINGS.)			
Chairman (Typed Name/Signature)		Member (Typed Name)	Member (Typed Name)

If so, state the lawyer's name and address:

\_\_\_\_\_  
\_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/31/2002  
(Date)

Nathaniel Hoorn  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)